HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 2572 of 2007

Petitioner		Kartikeya Jaiswal, Aged about 49 years, S/o. Late Shri Surendra Jaiswal, R/o. Police Line Road, Ambikapur, Dist. Sarguja, CG.
	Versus	
Respondents	1)	State of Chhattisgarh, Through: Collector, Ambikapur, Surguja, CG.
	2)	Municipal Corporation, Ambikapur, through Commissioner, Ambikapur, Dist. Surguja, CG.
	3)	The Chief Executive Officer, Municipal Corporation, Ambikapur, District Surguja, CG.
	4)	Assistant Engineer, Municipal Corporation, Ambikapur, Dist. Surguja, CG.
	5)	S.D.O. Ambikapur, District Surguja, CG.

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:
Shri Manoj Paranjpe, counsel for the petitioner.
Shri Satish Gupta, Deputy Govt. Advocate for respondent No.1/State.
Shri Sanjay K. Agrawal, counsel for respondents No. 2 and 3.
None for other respondents.

ORAL ORDER

(Passed on 26th April, 2007)

Learned counsel appearing for the petitioner submits that the petitioner has been in possession of the disputed land bearing Khasra Nos. 1755 and 1751 situated at Police Line Road, Ambikapur, Dist.

Surguja, CG, for the last 50 years. It is an admitted case that his possession has been recorded as encroacher.

2. Learned counsel appearing for the petitioner seeks limited prayer to the extent of grant of some time so that he can approach an appropriate forum for appropriate relief.

3. Shri Sanjay K. Agrawal, learned counsel appearing for respondents No. 2 and 3 strongly opposes the prayer in respect of land bearing Khasra No.1751 on the ground that the construction is in progress on for public purpose.

4. Be that as it may, keeping in view the balance of convenience, it is desirable in the interest of justice that no steps be taken for a period of two weeks to demolish any structure, if standing on Plot No.1751 situated at Police Line Road, Ambikapur, Dist. Surguja.

5. This order for not taking steps for two weeks should not be construed that the petitioner has a, prima facie, case in his favour. The competent court /authority, if an application is made, shall decide the same in accordance with law on its own merits without being influenced by the observation made herein above.

6. With the aforesaid observations and directions, this petition is accordingly disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju